

ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

In re application: Xiu Xiu Cheng, et al.

Serial No.: 09/705,625

Filed: November 3, 2000

For: METHODS FOR TREATING DIABETES VIA ADMINISTRATION OF CONTROLLED RELEASE
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Sir:

Transmitted herewith is an **Amendment** in the above-identified application.

- [] Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
 [] Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
 [X] No fee for additional claims is required.
 [] A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)	SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT				
	AMENDMENT	PAID FOR	EXTRA				
TOTAL CLAIMS	* Minus**	=	x0\$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	* Minus***	=	x0\$ 40	\$		x \$ 80	\$
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS			\$	\$		+ \$270	\$

TOTAL: \$ OR TOTAL: \$

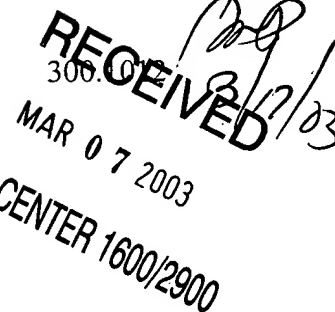
- [X] Also transmitted herewith are:
 [X] Petition for extension under 37 C.F.R. 1.136
 [] Other:
- [X] Check(s) in the amount of **\$110.00** is/are attached to cover:
 [] Filing fee for additional claims under 37 C.F.R. 1.16
 [X] Petition fee for extension under 37 C.F.R. 1.136
 [] Other:
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on February 24, 2003.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 



UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: Xiu Xiu Cheng, et al.
Serial No.: 09/705,625
Filed: November 3, 2000
For: **Methods for Treating Diabetes Via
Administration Of Controlled Release
Metformin**
Examiner: T. Ware Art Unit: 1615

Assistant Commissioner for Patents
Washington, D.C. 20231

February 24, 2003

AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

In response to the Office Action mailed on October 22, 2002, Applicants respectfully request reconsideration of the application in view of the following amendments and remarks.

IN THE CLAIMS

Please **cancel** claims 2-3, 6, 16-17, and 32-34.

Please **amend** the claims as follows:

B1
1. (Twice Amended) A method for lowering blood glucose levels in human patients needing treatment for non-insulin-dependent diabetes mellitus (NIDDM), comprising orally administering to human patients on a once-a-day basis at least one oral controlled release dosage form comprising an effective dose of metformin or a pharmaceutically acceptable salt thereof and an effective amount of a controlled release carrier to control the release of said metformin or pharmaceutically acceptable salt thereof from said dosage form, wherein following oral administration of a single dose, the dosage form provides a mean time to maximum plasma concentration (T_{max}) of metformin at from 5.5 to 7.5 hours after administration following dinner.